

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TYRONE DAVID JAMES, SR.,

Petitioner,

v.

WILLIAMS, et al.,

Respondents.

Case No. 2:18-cv-00900-KJD-VCF

ORDER

In July 2019, the court granted Tyrone David James, Sr.'s motion to stay and abey this 28 U.S.C. § 2254 petition for writ of habeas corpus (ECF No. 27). The case was administratively closed. James now moves to reopen this federal action and dismiss it without prejudice (ECF No. 28). He informs the court that the State conceded at a February 23, 2022 hearing that James is entitled to a new trial based on new, exculpatory DNA evidence. The state district court dismissed his pending state postconviction habeas corpus petition as moot. James is scheduled for a new jury trial in October 2022. As his state postconviction proceedings have concluded, he asks this court to reopen this federal petition. He further asks that this action be dismissed without prejudice as moot. Respondents have filed a non-opposition (ECF No. 29).

IT IS THEREFORE ORDERED that petitioner's motion to reopen this case (ECF No. 28) is **GRANTED**. The Clerk of Court is directed to reopen this case.

IT IS FURTHER ORDERED that the petition is **DISMISSED without prejudice** as moot.

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IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk enter judgment accordingly and close this case.

DATED: 3 May 2022.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE